

### REMARKS

Claims 1-52 are pending in this application. Claims 1, 3-5, 7-15, 17-19, 21-24, 26-28, 30-32, 34-36, 38-40, 42-44 and 46-48 have been amended. Applicants reserve the right to pursue the original claims and other claims in this and in other applications.

Claims 1-3, 10, 11, 24-26, 32-34 and 48 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,314,455 to Cromer et al. ("Cromer"). Applicant respectfully traverses the rejection.

Claim 1 of the application recites a method of recovering from a corrupt computer system BIOS. The method includes, *inter alia*, "initializing components in a boot block of said computer system sufficient to establish a communications connection with a recovery server; locating said recovery server; communicating to said recovery server by sending system information to said recovery server in a single request for an uncorrupted BIOS; [and,] in response to said single communication request with said recovery server, downloading an uncorrupted version of said BIOS from said recovery server based on said system information." Cromer does not disclose all of the limitations recited by claim 1.

Cromer discloses a data processing system and method for addressing errors in a computer's boot block "for permitting a server computer system to remotely initiate a boot block recovery." Cromer, col. 2, lines 33-36. The method disclosed by Cromer requires that a computer with a corrupted boot block connects at least twice to a recovery server. Initially, upon determination of a boot block error, the computer "transmits an error condition to the server" and then receives "an information packet from the server which sets [an] image recovery bit." Cromer, col. 6, lines 48-57; Fig. 4, ref. nos. 412, 418. The computer then resets itself and reboots. Cromer, Fig. 4, ref. nos. 420, 402. After rebooting, detection of the image recovery bit induces the computer to "log-on ... to the server over the network. Cromer, col. 6, lines 59-62; Fig. 4, ref. nos. 403, 404, 422. The computer then receives a recovery flash image during the second connection to the server.

Cromer, col. 6, lines 62-63; Fig. 4, ref. no. 424. Thus, in order to perform a boot block recovery, Cromer requires that a computer with a corrupted boot block connect to a recovery server at least twice instead of performing a full recovery session in response to a single communication from the computer. Because claim 1 of the application recites a computer system that both sends system information and downloads an uncorrupted BIOS during a single communication, Cromer fails to disclose all of the limitations of claim 1.

For at least the above-stated reason, claim 1 is allowable over Cromer. Claims 2 and 3 depend from claim 1. Claim 3 has been amended to be consistent with the language of claim 1. Because dependent claims include all the limitations of the respective independent claims, claims 2 and 3 are also allowable over Cromer for at least the above-stated reason.

Claim 10 recites a method of recovering from a corrupt computer system BIOS that includes, *inter alia*, “receiving at a server a single communication request for an uncorrupted version of a BIOS transmitted by a computer system with a corrupted version of said BIOS detected during startup; and in response to said single communication request, transmitting an uncorrupted version of said BIOS to said computer system.” Because Cromer recites a method of recovering from a corrupt boot block that requires at least two communications to a recovery server instead of a single communication request as recited in claim 10, Cromer does not disclose all the limitations of claim 10. As such, claim 10 is allowable over Cromer. Claim 11, which has been amended to be consistent with the language of claim 10, depends from claim 10 and is thus also allowable over Cromer for at least the stated reason.

Claims 24 and 32 recite systems for recovering from a corrupted computer system BIOS. The systems both include a processor that, “in response to detecting a corrupt version of said BIOS during startup,” is adapted to execute a BIOS recovery program configured to “communicate to said recovery server ... by sending system information to said recovery server in a single request for an uncorrupted BIOS; [and,] in response to said single communication request with said recovery server, download from

said recovery server an uncorrupted version of said BIOS based on said system information.” Because Cromer requires at least two communications to a recovery server instead of the single communication request recited in claims 24 and 32, Cromer does not disclose all the limitations of claims 24 and 32. Claims 24 and 32, then, are allowable over Cromer. Claims 25 and 26, which depend from claim 24, are also allowable over Cromer for at least the stated reason. Similarly, claims 33 and 34, which depend from claim 32, are allowable over Cromer for at least the stated reason. Claims 26 and 34 have been amended to be consistent with the language of claims 24 and 32, respectively.

Claim 48 recites a system for recovering from a corrupted computer system BIOS. The system includes a computer system which, in response to detecting a corrupt version of said BIOS during startup, is configured to “communicate to a remote server by sending system information to said remote server in a single request for an uncorrupted BIOS; [and,] as a result of said single communication request with said remote server, receive an uncorrupted version of said BIOS from said remote server.” Because Cromer requires at least two subsequent communication requests to a recovery server instead of the single request recited in claim 48, Cromer does not disclose all the limitations of claim 48. Claim 48 is allowable over Cromer.

In consideration of the above-stated reasons, the Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(e) rejection of claims 1-3, 10, 11, 17, 24-26, 32-34 and 48 over Cromer.

Claims 15-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer in view of Japanese Patent No. JP409258965A to Aoki (“Aoki”). Applicant respectfully traverses the rejection.

Claim 15 recites a method for recovering from a corrupt BIOS that includes “communicating to said recovery server by sending system information to said recovery server in a single request for an uncorrupted BIOS; [and] in response to said single communication request with said recovery server, transmitting an uncorrupted version of

said BIOS and a utility software from said recovery server to said computer system.” As stated above, Cromer teaches a recovery method that requires at least two subsequent communication requests to a recovery server, and, as such, fails to teach every limitation of claim 15. Aoki also fails to remedy the inadequacies of Cromer. Aoki teaches an update function that allows a host station to transmit “an update program obtained by previously changing the operation and the version of the program to the base station.” Aoki, Abstract. The Aoki method essentially demonstrates the same operation taught by Cromer: after the image recovery bit is set as a result of the first connection to the recovery server, the corrupted computer system re-connects to the recovery server and receives “a recovery flash image from the server.” Cromer, col. 6, lines 55-63; Fig. 4, ref. nos. 422, 424. Aoki fails, however, to show how the method of Cromer, which requires two subsequent communication requests to the recovery server, can be reduced to a method that sends only a single communication request to the recovery server. As such, Aoki does not cure the inadequacies of Cromer, and claim 15 is allowable over the combination of both Cromer and Aoki. Claims 16-23 depend from claim 15. Claims 17-19 and 21-23 have been amended to be consistent with the language of claim 15. Because dependent claims include all the limitations of the respective independent claims, claims 16-23 are allowable for at least the same reason that claim 15 is allowable. The Examiner is respectfully requested to withdraw the rejection.

Claims 40-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer. Applicant respectfully traverses the rejection.

Claim 40 recites a system for recovering from a corrupted computer system BIOS. The system includes a recovery server that, “in response to receiving a single communication request transmitted by said computer system with a corrupted version of said BIOS detected during startup, is configured to transmit said uncorrupted version of said BIOS to said computer system.” As stated above, Cromer fails to teach or suggest a system that can recover a corrupted BIOS from a recovery server via a single communication request to the recovery server; Cromer requires at least two

communication requests to the recovery server. As such, claim 40 is allowable over Cromer. Claims 41-47 depend from claim 40. Claims 42-44 and 46-47 have been amended to be consistent with the language of claim 40. Because dependent claims include all the limitations of the respective independent claims, claims 41-47 are also allowable over Cromer for at least the same reason that claim 40 is allowable. The Examiner is respectfully requested to withdraw the rejection.

Claims 4-9, 12-14, 27-31 and 35-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer as applied to claims 1, 2, 10, 24, 25, 32, and 33 above. Applicant respectfully traverses the rejection.

As stated above, claims 1, 2, 10, 24, 25, 32 and 33 are allowable over Cromer because Cromer fails to disclose a method or system for updating a corrupt BIOS via a single communication request to a recovery server. Claims 4-9 depend from claim 1, claims 12-14 depend from claim 10, claims 27-31 are dependent from claim 24, and claims 35-39 are dependent from claim 32. Claims 4, 5 and 7-9 have been amended to be consistent with the language of claim 1. Claims 12-14 have been amended to be consistent with the language of claim 10. Claims 27, 28, 30 and 31 have been amended to be consistent with the language of claim 24. Claims 35, 36, 38 and 39 have been amended to be consistent with the language of claim 32. Because dependent claims include all the limitations of the respective independent claims, claims 4-9, 12-14, 27-31 and 35-39 are allowable over Cromer. The Examiner is respectfully requested to withdraw the rejection.

Claims 49-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer as applied to claims 1 and 15 above, and further in view of U.S. Patent No. 5,319,519 to Sheppard et al. ("Sheppard"). Applicant respectfully traverses the rejection.

As stated above, claims 1 and 15 are allowable over Cromer because Cromer fails to disclose a method for updating a corrupt BIOS via a single communication request to a recovery server. Sheppard is relied upon by the Examiner for teaching alternative methods

for BIOS recovery when a network connection is not available. Final Office Action, p 19. However, Sheppard fails to show how the two-request BIOS recovery method of Cromer can be reduced to the single communication request methods of claim 1 and 15. As such, claims 49-52, which depend from claims 1 and 15, and which have been amended to be consistent with the language of claims 1 and 15, are allowable over Cromer and Sheppard. The Examiner is respectfully requested to withdraw the rejection.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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